

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 2143

Examiner: DAVID E. ENGLAND

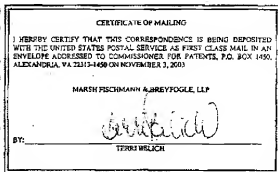
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MAIL STOP: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

1. I, Kenneth J. Johnson, PTO Registration No. 36,834, am the Patent Attorney who received instructions from our client's predecessor, U.S. West Communications, Inc., to prepare and file a U.S. Patent Application entitled, "SYSTEM AND METHOD FOR AUTOMATED DOWNLOAD OF MULTIMEDIA FILES" and invented by Thiru Srinivasan.

2. This matter was designated by U.S. West Communications, Inc. as Docket No. 1642 and by my previous law firm, Holme Roberts & Owen LLP as Matter No. 42059-01010.

3. This matter has been transferred to and is being handled by my new law firm, Marsh Fischmann & Breyfogle LLP, under the same Matter No. 42059-01010.

4. In 1999, while at Holme Roberts & Owen LLP, I received an invention disclosure from the U.S. West Communications' Law Department for this invention, which was entitled at that time, "WEB AUDIO/VIDEO GUIDE." See Attachment at Tab 1.

5. I prepared a patent application based on this invention and on December 28, 1999, prior to the January 24, 2000 provisional filing relating to the Eyal patent (USPN 6,389,467), I mailed a cover letter attaching a draft of a patent application on our client's invention to the inventor, Thiru Srinivasan, based on his earlier-received invention disclosure. See Attachment at Tab 2.

6. Sometime in January or early February, 2000, I received feedback from the inventor, and based thereon, made certain corrections to the first draft of the patent application.

7. On February 9, 2000, I submitted to the Word Processing Department of Holme Roberts & Owen LLP corrections to the patent application along with a Word Processing Work Request Form, in order to have the application revised accordingly. See Attachment at Tab 3.

8. I arranged to have formal documents prepared for signature by the inventor, and on February 21, 2000, I mailed a cover letter to the inventor along with a final draft of the patent application and the formal documents for his signature. See Attachment at Tab 4.

9. Subsequently, I received the signed formal documents back from the inventor, evidencing his execution of these documents on February 28, 2000. See Attachment at Tab 5.

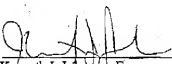
10. On March 2, 2000, I filed the patent application and formal documents with the U.S. Patent and Trademark Office, and the application was assigned U.S. Pat. App. No. 09/517,613.

11. The undersigned Patent Attorney acknowledges that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon. All statements made of the undersigned's own knowledge are true and all statements made on information and belief are believed to be true.

This Declaration is signed by the undersigned Patent Attorney on the date reflected below.

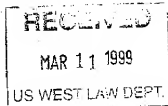
Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

Kenneth J. Johnson, Esq.
Registration No. 36,834
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(303) 338-0997

Date: November 3, 2003



Law Department Use Only
Docket No. 1642
Date Rec'd
USW Entity
Rec'd by (init.)

INVENTION DISCLOSURE

DIRECTIONS

Complete EVERY ITEM. If any item is not applicable or unknown, please indicate.

All inventors should sign the form (Item 14), as well as two witnesses (Item 15) and your supervisor (Item 16).

Send the completed, ORIGINAL form to the U S WEST Law Department - Intellectual Property Group, 7800 East Orchard Road, Suite 490, Englewood, CO 80111. You may FAX the form (FAX No. 303-793-6563), but please also send the original. If you have any questions, contact the Law Department at 303-793-6276 or 303-796-6030.

This document is available in electronic form on the file server at USWEST Advanced Technologies, Inc. or in hard copy form from the Law Department. A sample completed form is also available from the Law Department.

Since patent rights can be lost by public disclosure, please keep your invention confidential until advised otherwise by the Law Department.

(1) **Invention Title.** Give a short (10 words or less) descriptive title of the invention.

Web Audio/Video Guide.

(2) **Invention Summary.** State what you regard as the key invention concept (30 words or less).

A method and system that allows Internet users to receive the Web Audio/Video Guide and to program the desktops to view the desired programs at the designated times.

(3) **Purpose and Problems Solved.** Briefly state why the invention was developed, what problems it solves and the advantages it has over existing products or processes.

The invention was developed for the following reasons:

- To promote E-commerce.

- To increase traffic to web sites selling products and services.
- To avoid the burden on the user to visit each web site to know what the programming schedule looks like for the week.
- To organize audio and video programming from different web sites.
- To standardize the publication of a Web Audio/Video Guide.
- To receive the Web Audio/Video Guide based on categories of interest to the user. Examples of categories of interest include concerts, auctions, distance learning, beauty contest, home shopping, congressional debate, merger and strategic alliance announcements, local news, financial news, political news, general news, sports news, movies, dramas, science fictions, music, talk shows, sports, conference call after an earnings announcement, stockholders meeting, and life-threatening surgeries.
- To help the user program the desktop and to view the program of interest at the designated date and time.

The following problems are found to exist with the available products/services:

1. Millions of households receive the paperback edition of the TV Guide every Sunday as part of the newspaper. If a user is interested in a particular program, then he/she has to make a note of the date and time the program will be broadcast, and be present to watch the program via a TV. Alternatively, he/she may program a VCR to record the program for viewing at later time. The TV Guide does not list programs broadcast by a particular channel by categories such as movie, drama, news, cartoon, sports, and wildlife, although there are specialized channels for some of the categories (for example, ESPN for sports, Cartoon Network, and HBO for movies).
2. Electronic TV Guide (www.tvguide.com) is available on a particular channel broadcast by cable TV operators where the program listing of various channels scrolls by on the TV screen. The listing pertains to programs offered by different channels for a given day. Again, the user needs to keep a watch on the listing in order to select the program of interest or program the VCR for viewing at a later time.
3. There are sophisticated Remote Controls available in the market that will help the user select a particular program by clicking on a button (for example, activating a pay-per-view program) that will take him/her right to the channel that broadcasts the program. Again, the user needs to keep a close watch on the listing that scrolls by on the TV screen.

The following advantages may be found with the system described in this invention disclosure:

- There are many web sites that deal with both audio and video broadcasts. Typically, there are no guides available that list the programs for audio broadcasts. The Web Audio/Video Guide will be a one-stop source for all types of broadcasts.
 - Today, more and more events are carried either live or pre-recorded on the Internet. This invention will present a comprehensive listing of all programs.
 - A centralized web site where all users can go to receive a copy of the Web Audio/Video Guide.
 - The user receives, on a weekly-basis and in an automated fashion, either a portion of or a complete copy of the Web Audio/Video Guide, based on his/her pre-configured selection of categories.
 - As and when more categories of programs are added by the broadcasters, the users are given an option to add those new categories of interest to their configuration profiles.
 - The user can view the received Web Audio/Video Guide and program the desktop to receive the broadcasts of interest in an automated fashion at the designated date and time.
- (4) Description. Describe the invention and/or attach a description, drawing(s), flow chart(s) and/or diagram(s), if available.

It is recommended that each web site (such as www.livebid.com, www.hollywood.com, www.cartoonnetwork.com, www.dell.com, www.uswest.com, www.abcnews.com, www.cnn.com, www.broadcast.com, and www.c-span.org) broadcasting an event creates a read-only Hyper-Text Markup Language (HTML) file, called the SCHEDULE file, according to the format shown in APPENDIX 1.

The SCHEDULE file may then automatically be transferred using the File Transfer Protocol (FTP) to a centralized site like www.uswest.com. On a weekly basis (say, midnight Sunday), the centralized web site will receive SCHEDULE files from each of the web sites. A piece of software running at the centralized web site will organize the data received from the web sites, by category, into another read-only HTML file, referred herein as the Web Audio/Video Guide. The Web Audio/Video Guide is a consolidated representation of the program listing from the Internet and is available for download by the desktop users. As there is a growing desire to create more categories of programs from the broadcasters, it is necessary that the users be able to update their profile of interest. In order to achieve this capability, the centralized web site will, on a weekly basis, update a file called CATEGORY that contains all the categories of programs broadcast by the different web sites till date.

A browser plug-in, called PROGRAM RECEIVER, running in the background of the desktop, will request (on a weekly basis, say, Sunday morning at 6 AM), based on the user's preference for the different categories, a copy or portion of the Web Audio/Video Guide. The request will contain a list of the pre-configured categories of interest (done via a menu option called CATEGORY INTEREST at the time of installation of the plug-in. This menu option will present a list of categories to start with and the list would periodically be updated as explained below) to the user.

The response received from the centralized web site will consist of two parts. The first part is the CATEGORY file that will be stored in the desktop and will help the user update the list of the pre-configured categories of interest whenever he/she desired. This is done via the menu option CATEGORY INTEREST. The second part is either a portion of or a copy of the entire Web Audio/Video Guide. The second part will be stored by the desktop in a file called the PROGRAM_GUIDE, along with two selection buttons for each program. One for storing the program for viewing at a later time (Oracle Video Client allows this feature) and the other for viewing the program in real-time at the specified date and time.

The plug-in will, through a message display on the desktop, notify the user of the receipt of the PROGRAM_GUIDE when he/she opens the web browser. The notification will cease after the user selects the programs of interest for viewing until such time as a new PROGRAM_GUIDE appears in the desktop a week later.

The user then may access the PROGRAM_GUIDE (done via a menu option in the plug-in) and select the programs of interest either for storing the program in the desktop for viewing at a later time or for viewing the program in real-time at the specified date and time. If a pre-recorded program is selected for viewing, the plug-in will request a date and time to be selected by the user. The plug-in will resolve any conflicts in the selection of programs that may overlap in time. Once the user saves the PROGRAM_GUIDE, the plug-in will prepare a list of upcoming programs to be watched by the user. The plug-in will ensure that not more than one program may be saved (For example, a movie may take 3 to 5 GB of storage on the hard drive of the desktop) for viewing at a later time for the week.

When the appropriate time arrives, the plug-in will launch a request to the corresponding web site that will broadcast the program. At the same time, the player (Oracle Video Client - a full-motion, full-screen video player that works in conjunction with Oracle Video Server, Real Player or Real Networks, Inc. Presents only a viewing area of 5' by 5'), or Media Player (from

Microsoft, Inc. Presents only a viewing area of 5' by 5') will be launched to receive the program on the desktop. If the program is to be saved on the hard drive for viewing at a later time, then the player will be launched in the background. When the user is ready to watch it at a leisure time, he/she may select a menu option in the plug-in that will launch the player and start playing the program from the hard drive.

If the program is to be viewed in real-time, then the system also may alert the user as to the start of the program by sending either a e-mail or a page via the Internet.

(5) Business Area. Check the business area that best fits your invention.

<input type="checkbox"/> Network Services	<input type="checkbox"/> Multimedia/Video	<input type="checkbox"/> Speech Recognition
<input type="checkbox"/> Network Operations	<input type="checkbox"/> Digital Signal Processing	<input type="checkbox"/> Voice Messaging
<input type="checkbox"/> AIN	<input type="checkbox"/> Wireless	<input type="checkbox"/> ISDN
<input type="checkbox"/> Info. Management	<input type="checkbox"/> Broadband	<input checked="" type="checkbox"/> Other:
_____ Internet _____		

(6) Responsible U S WEST Entity. Provide the name of the U S WEST Division/Subsidiary having responsibility for the invention. This is usually the organization in which the inventor (or majority of inventors) is employed.

LT./US WEST, Inc.

(7) U S WEST Project Name or No.

a. Under what U S WEST project name or number was work done which resulted in the invention?

Loop Qualification database.

b. If the project was funded by organization(s) other than the responsible organization in Item 6 above, please name that organization(s).

Not applicable.

(8) Conception Date. When was the invention first conceived? Please list any records (engineering notebook, memos, etc.) which establish such conception.

February 2, 1999.

(9) Prototype or Model. Has a prototype/model been built? If so, when was it built and where is it now?

No.

- (10) **Related Items.** Are there any existing products, processes, patents or U S WEST invention disclosures similar or which may relate to the invention? If so, please list them.

- TV Guide.
- Systems such as Oracle Video Clients and VCRs allow users to store video and watch the programs at a later time.
- Set-top-boxes with the aid of a remote control allow users to select a particular program from a program listing for instant viewing.

- (11) **Sale or Public Use.** Has this invention been sold, offered for sale or publicly used (field trial, etc.) or is such sale or use anticipated? If so, please supply actual or anticipated dates.

No.


- (12) **Publication or Disclosure.** Has the invention been disclosed in a publication or disclosed to anyone outside U S WEST or is such disclosure or publication anticipated? If so, supply actual or anticipated dates.

No.

- (13) **Commercial Value.** Briefly outline the potential commercial value of the invention (e.g., likelihood of use by others, licensing potential, etc.).

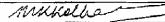
The invention will play a major role in E-commerce because it acts as a vehicle to attract users to different sites where the sellers can showcase their products and services. In addition, with the widespread introduction of Digital Subscriber Loop (xDSL) and cable modem technologies now under way, users will be able to receive high-speed video on their desktops. The explosive use of the Internet for audio and video broadcasts is driving users to look for a standard way of organizing the program listing in a manner that is usable. The convergence of PC and TV (i.e. interactive TV) demands the use of the Web Audio/Video Guide to simplify the programming and viewing of the content broadcast by the service providers. It is a reasonable expectation of both Microsoft, Inc. and Real Networks, Inc. to upgrade the respective "players" in the future to be able to play full-screen video broadcasts as their main competitor, Oracle, Inc., already has a player (i.e. Oracle Video Client) that can play full-screen video.

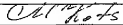
(14) INVENTOR SIGNATURES

First Inventor (print first, MI, last)	THIRU SRINIVASAN	Citizenship	INDIA
Home Address	9675 S. RED OAKES PLACE, HIGHLANDS RANCH, CO 80126		
USW Subsidiary/ Div.	I.T.		
Work Address	6892 S. YOSEMITE CT., ENGLEWOOD, CO 80110		
Work Phone	303-689-1616	Fax	303-689-1622
Signature		Date	02-18-99


(15) WITNESS SIGNATURES

Read and understood:

Witness #1 (print name)	MADHURI KOLHATKAR		
Signature		Date	2/25/99

Witness #2 (print name)	MARGARITA KOTS		
Signature		Date	03/02/99

(16) SUPERVISOR SIGNATURE

Supervisor (print name)	PETE REINIG		
Signature		Date	03/03/99

Holme Roberts & Owen LLP

December 28, 1999



Thiru Srinivasan
9675 South Red Oakes Place
Highlands Ranch, Colorado 80126

Re: "SYSTEM AND METHOD FOR AUTOMATED DOWNLOAD OF
MULTIMEDIA FILES"
Our File No.: 42059-01010
U S WEST Docket No.: 1642

Kenneth J. Johnson
(303) 866-0639
kjohnson@hro.com

Dear Thiru:

Enclosed is a draft of the above-identified patent application for your review. Please review the this application to assure that it properly and accurately describes the invention as originally disclosed in your Invention Disclosure Sheet. Please make your changes on the enclosed copy and when you are finished please call me at 866-0639 so we may discuss this application further.

While reviewing the application, keep in mind that the claims must particularly point out and distinctly claim the subject matter of the invention, so it is important that you review them very carefully. The claims attempt to cover the invention in its broadest aspects and also more specifically. The broadest claims should represent only the essential features of the invention. Review these claims for any element which could be eliminated without losing the essence of the invention. The remaining claims, in different degrees, are more limited, i.e., they contain additional elements. Check for limitations which are completely unrelated to the inventive concept, as well as additional limitations which should be included.

Please remember that this application is Confidential and Proprietary and must be treated accordingly. It should be secured at night and adequately protected during the day.

Attorneys at Law
1700 Lincoln Street
Suite 4100
Denver, Colorado
303 866-0639
Tel (303) 866-7000
Fax (303) 866-0200
www.hro.com

Denver
Salt Lake City
Boulder
Colorado Springs
London

Holme Roberts & Owen LLP

Third Srinivasan
December 28, 1999
Page 2

If you have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth J. Johnson', with a long horizontal flourish extending to the right.

Kenneth J. Johnson

Enclosure

Deliver to:

Floor:

WORD PROCESSING WORK REQUEST FORM

Submitted By: K. JohnsonExt. 639Floor: 43Document Number: 574844 Version: 03

REQUIRED FOR NEW Document Profile - New Document REQUIRED FOR NEW

Document Name		up to 255 characters
Author		
Document Type		agent-copy-con-depo-fax-form-lit-memo-orig-outlet-pi-ed-olo-inch
Client #		If not specified 93210
Matter #		20000 will be used
Practice Group		[a]-b-b-f, b-e-l-i-c-i-t-e, c-l-o, c-o-m, e-n-v, e-x-a-m, i-n-c, n-a-t, t-a-b-l-e, t-a-x, t-r-a-n-s For more information, see Attorney Help Book.
PG Sub Type		
Time Submitted	Preferred Due Time	Absolute Due Time*
Date: <u>2/9/00</u> Time: <u>503</u>	Date: _____ Time: _____	Date: <u>2/10/00</u> Time: <u>800AM</u>
Date: _____ Time: _____	Date: _____ Time: _____	Date: _____ Time: _____

* If this requires overtime to complete, a "reserve" will be done and the client will be charged.

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Tape Submission: <input type="checkbox"/> Side A or <input type="checkbox"/> Side B _____ 1/4 _____ 1/2 _____ 3/4 _____ Full	Printing: <input checked="" type="checkbox"/> Draft <input checked="" type="checkbox"/> Final _____ Bond _____ Ltrhd <input type="checkbox"/> 11" <input type="checkbox"/> 14"	Format: <input checked="" type="checkbox"/> Ltrhd <input checked="" type="checkbox"/> As is Auto Numbers: <input type="checkbox"/> Yes <input type="checkbox"/> No Tables: <input type="checkbox"/> Yes <input type="checkbox"/> No Graphics: <input type="checkbox"/> Powerpoint <input type="checkbox"/> Visio	Proofreading: <u>As</u> <input type="checkbox"/> Correct obvious errors - or - <input type="checkbox"/> Verbatim <input checked="" type="checkbox"/> Proof revisions only <input type="checkbox"/> Proof against original <input type="checkbox"/> Proof all for sense, consistency and grammar <input type="checkbox"/> Proof all as above--let author review first <input type="checkbox"/> Bluebook cite form

SPECIAL INSTRUCTIONS:

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Holme Roberts & Owen LLP

February 21, 2000



Thiru Srinivasan
9675 South Red Oaks Place
Highlands Ranch, CO 80126

Re: "SYSTEM AND METHOD FOR AUTOMATED DOWNLOAD OF
MULTIMEDIA FILES"
Our File No.: 42059-01010
U S WEST Docket No.: 1642

Kenneth J. Jolusson
(303)866-0639
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Attorneys at Law
1700 Lincoln Street
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I am enclosing along with this application, the Declaration and Assignment for your execution if there are no further revisions to the application. As always, please execute where indicated and have a notary sign the Assignment.

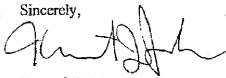
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Holme Roberts & Owen LLP

Thiru Srinivasan
February 21, 2000
Page 2

I have enclosed a self-addressed stamped envelope for your convenience. If you have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth J. Johnson", written over a horizontal line.

Kenneth J. Johnson

Enclosures

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

Atty. Docket No. 1642 (42059-01010)
First Named Inventor: Thiru Srinivasan

As the first and sole named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"COMMUNITY OF PRACTICE SERVER"

the specification of which:

☒ is attached hereto; or
☐ was filed on (mm/dd/yy) _____ as U.S. Application Number or PCT International Application Number _____
and was amended on (mm/dd/yy) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Priority Date (MM/DD/YY)	Priority Not Claimed	Certified Copy Attached? (Yes/No)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YY)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number(s)	Filing Date (MM/DD/YY)	Status: Patented, Pending, Abandoned

I hereby appoint the practitioners associated with Customer Number 22193 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number. Telephone calls should be directed to U S WEST, Inc., Law Department—Intellectual Property Group, at (877) 879-4747 or (303) 672-2700.

**22193**

PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor Thiru SrinivasanInventor's signature 

Date

2/28/00Post Office Address: Same as residenceResidence 9675 South Red Onions Place, Highlands Ranch, Colorado 80126Citizenship USA

ASSIGNMENT

For the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, I, Thiru Srinivasan, of 9675 South Red Oakes Place, Highlands Ranch, Colorado 80126, do hereby assign, sell and set over to U S WEST, Inc., a corporation organized and existing under the laws of the State of Delaware, having a place of business at 1801 California Street, Denver, Colorado 80202, hereinafter referred to as the ASSIGNEE, its successors, assigns or other legal representatives, the entire right, title and interest, domestic and foreign, in and to the inventions and discoveries in:


"SYSTEM AND METHOD FOR AUTOMATED DOWNLOAD OF MULTIMEDIA FILES"

set forth in the application for United States Letters Patent, executed by me on the 28th day of February, 2000, including the right of said ASSIGNEE, its successors, assigns or other legal representatives to make applications and to receive Letters Patent for said inventions and discoveries in any and all foreign countries in its or their own name or names, or in my name, at its or their election, and I hereby assign, sell and set over to said ASSIGNEE, its successors, assigns or other legal representatives, all rights or priority in and to said inventions and discoveries in all countries.

And I hereby agree for myself, heirs, successors, assigns or other legal representatives to execute any and all papers, including applications for Letters Patent of any and all kinds and in any and all countries, and to perform any and all acts which said ASSIGNEE, its successors, assigns or other legal representatives may deem necessary to secure thereto the rights herein assigned, sold and set over.

And I hereby represent and warrant that I have not granted any rights inconsistent with the rights granted herein.


Date: 2/28/02

By: 
Thiru Srinivasan

STATE OF COLORADO)
COUNTY OF Denver)

ss.

On this 28th day of February, 2000, personally appeared before me Thiru Srinivasan, to me known to be the person named in and who executed the above instrument, and acknowledged that he executed the same for the uses and purposes therein mentioned.


Notary Public

(SEAL)

My Commission Expires October 8, 2003

My Commission expires: _____

X. RELATED PROCEEDINGS APPENDIX

None.